

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM

TO BE FILLED OUT BY ORIGINATING OFFICE:

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Alexandra Whittaker 6/26/12
Name of Contact person Date

in the Office of Regional Counsel at 2462
Office Phone number

Non-SF Jud. Order/Consent Decree. DOJ COLLECTS Administrative Order/Consent Agreement FMD COLLECTS PAYMENT

SF Jud. Order/Consent Decree. FMD COLLECTS

This is an original debt This is a modification

Name of Person and/or Company/Municipality making the payment

Western Virginia Water Authority
The Total Dollar Amount of Receivable \$7,088

The Case Docket Number CERCLA-03-2012-0147 (If in installments, attach schedule of amounts and respective due dates)

The Site-Specific Superfund Acct. Number _____
The Designated Regional/HQ Program Office _____

TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:

The IFMS Accounts Receivable Control Number _____
If you have any questions call: _____
Name of Contact Date
in the Financial Management Office, phone number: _____

JUDICIAL ORDERS: Copies of this form with an attached copy of the front page of the final judicial order should be mailed to:

- Rosemarie Pacheco
Environmental Enforcement Section
Lands Division, Room 130044
1425 New York Avenue, N.W.
Washington, D.C. 20005
- Originating Office (ORC)
- Designated Program Office

ADMINISTRATIVE ORDERS: Copies of this form with an attached copy of the front page of the administrative order should be sent to:

- Originating Office
- Designated Program Office
- Regional Hearing Clerk
- Regional Counsel

RECEIVED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

2012 JUN 26 PM 2: 41
REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

In the Matter of:	:	CONSENT AGREEMENT
	:	
Western Virginia Water Authority	:	Proceedings Pursuant to Sections 103 and
601 South Jefferson Street	:	109 of the Comprehensive Environmental
Roanoke, Virginia 24011,	:	Response, Compensation, and Liability Act,
	:	as amended, 42 U.S.C. §§ 9603 and 9609
Respondent.	:	
	:	
Western Virginia Water Authority	:	Docket No.: CERCLA-03-2012-0162
3031 Laurel Glenn Road	:	
Vinton, Virginia 24179,	:	
	:	
Facility.	:	

STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9609, as well as under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 ("Part 22"). Pursuant to EPA Region III Delegation No. 14-31, the Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (collectively "CAFO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and, having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.

EPA'S FINDINGS OF FACT

1. Respondent, Western Virginia Water Authority ("WVWA" or "Respondent") is a municipality located at 601 South Jefferson Street in Roanoke, Virginia.
2. As a municipality, WVWA is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and its respective regulation, 40 C.F.R. § 302.3.

3. At all times relevant to this CAFO, Respondent was the owner or operator of a facility located at 3031 Laurel Glenn Road in Vinton, Virginia (hereinafter the "Facility"), within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.

4. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and its respective regulations, 40 C.F.R. § 302.3.

5. On or about April 28, 2011, EPA conducted an inspection of the Facility to determine the Facility's compliance with Section 103 of CERCLA, 42 U.S.C. § 9603.

6. Sometime between 6:00 p.m. on July 8, 2009 and 6:45 a.m. on July 9, 2009, an estimated thirty-five pounds of chlorine, Chemical Abstracts Service ("CAS") No. 7782-50-5, were released from the Facility (the "Release").

7. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the reportable quantity ("RQ"), to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

8. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

9. Chlorine is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of ten pounds, as listed in 40 C.F.R. § 302.4.

10. The Release constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

11. The Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

12. Respondent knew or should have known that the Release of chlorine from the Facility was in a quantity equal to or exceeding its RQ, at or about 1:00 a.m. on July 10, 2009.

13. Respondent did not notify the NRC of the Release until approximately 10:09 a.m. on July 10, 2009.

EPA'S CONCLUSIONS OF LAW

14. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

15. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the Release from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

CIVIL PENALTY

16. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violation of Section 103 of CERCLA, 42 U.S.C. § 9603, set forth above, in the amount of **\$7,088**.

PAYMENT TERMS

17. In order to avoid the assessment of late payment penalties in connection with the civil penalty described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the effective date of the Final Order (the "final due date").

18. Payment shall be made as follows:

a. If payment is to be made by cashier's check, penalty shall be made payable to "EPA-Hazardous Substances Superfund" and sent to:

U.S. EPA, Region III
ATTN: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Richard Rice, (513) 487-2057

If the cashier's check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101
Contact: Richard Rice, (513) 487-2057

b. Payment may be made via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

c. Payment may be made via Automated Clearinghouse (ACH), also known as Remittance Express (REX), to:

US Treasury REX/Cashlink
ACH Receiver
ABA = 051036706
Account No.: 310006, EPA
CTX Format Transaction
Code 22- Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White (301) 887-6548 or
REX, 1-(866) 234-5681

d. On-Line Payment Option:

www.pay.gov/paygov
Enter sfo 1.1 in the search field. Open and complete the form.

19. The Respondent shall submit copies of the checks, or verification of wire transfer or ACH, to the following persons:

Lydia Guy (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Alexandra Whittaker (3RC42)
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

20. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

21. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

22. Failure by the Respondent to pay the penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalty, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

General Provisions

23. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

24. For the purpose of this proceeding, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and enforcement of the CAFO.

25. For the purpose of this proceeding, with the exception of paragraph 23 above, Respondent neither admits nor denies the factual allegations set forth in this CAFO, but expressly waives its rights to contest said allegations.

26. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609.

27. The provisions of the CAFO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

28. The CAFO does not constitute a waiver, suspension or modification of the requirements of Section 103 of CERCLA, 42 U.S.C. § 9603, or any regulations promulgated thereunder.

29. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to CERCLA for the violation alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CAFO shall be construed to limit the United States' authority to pursue criminal sanctions.

30. Each party to this action shall bear its own costs and attorney's fees.

FOR WESTERN VIRGINIA WATER AUTHORITY



NAME: Gary L. Robertson
TITLE: Executive Director for Water Operations

5/29/12
DATE

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Ronald Borsellino
Director, Hazardous Site Cleanup Division

6/5/12

DATE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

Western Virginia Water Authority
601 South Jefferson Street
Roanoke, Virginia 24011,

Respondent.

Western Virginia Water Authority
3031 Laurel Glenn Road
Vinton, Virginia 24179,

Facility.

FINAL ORDER

Proceedings Pursuant to Sections 103 and
109 of the Comprehensive Environmental
Response, Compensation, and Liability Act,
as amended, 42 U.S.C. §§ 9603 and 9609

Docket No.: CERCLA-03-2012-0162

Pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.



Renée Sarajian
Regional Judicial Officer
EPA, Region III

6/19/12
DATE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

Western Virginia Water Authority
601 South Jefferson Street
Roanoke, Virginia 24011,

Respondent.

Western Virginia Water Authority
3031 Laurel Glenn Road
Vinton, Virginia 24179,

Facility.

CONSENT AGREEMENT

Proceedings Pursuant to Section 303 and 309 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9603-9605

Docket No.: CERCLA-03-2012-0162

2012 JUN 25 9:41
REGIONAL HEARING CLERK
EPA REGION III
P.O. BOX 118
LANE, VA 24103

RECEIVED

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Consent Agreement and Final Order ("CAFO") in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that copies of the CAFO were sent via UPS to:

Glenn Feldman Darby Goodlatte
Attention: Harwell M. Darby, Jr.
37 Campbell Avenue, S.W.
Roanoke, Virginia 24011

I further certify that I have sent a copy of the CAFO by electronic pdf to Respondent's Counsel, Harwell M. Darby, Jr., on this day.

6/26/12
Date


Alexandra L. Whittaker
U.S. Environmental Protection
Agency, Region III

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

Western Virginia Water Authority
601 South Jefferson Street
Roanoke, Virginia 24011,

Respondent.

Western Virginia Water Authority
3031 Laurel Glenn Road
Vinton, Virginia 24179,

Facility.

CONSENT AGREEMENT

Proceedings Pursuant to Sections 109 and 109 of the Comprehensive Environmental Response, Compensation, and Liability Act as amended, 42 U.S.C. §§ 9603 and 9609

Docket No.: CERCLA-03-2012-03

REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

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STATUTORY AUTHORITY

This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, 42 U.S.C. § 9609, as well as under the authority provided by the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits" ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 ("Part 22"). Pursuant to EPA Region III Delegation No. 14-31, the Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director, Hazardous Site Cleanup Division, EPA Region III ("Complainant").

The parties agree to the commencement and conclusion of this cause of action by issuance of this Consent Agreement and Final Order (collectively "CAFO") as prescribed by the Consolidated Rules of Practice pursuant to 40 C.F.R. § 22.13(b), and, having consented to the entry of this CAFO, agree to comply with the terms of this CAFO.

EPA'S FINDINGS OF FACT

1. Respondent, Western Virginia Water Authority ("WVWA" or "Respondent") is a municipality located at 601 South Jefferson Street in Roanoke, Virginia.
2. As a municipality, WVWA is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21) and its respective regulation, 40 C.F.R. § 302.3.

3. At all times relevant to this CAFO, Respondent was the owner or operator of a facility located at 3031 Laurel Glenn Road in Vinton, Virginia (hereinafter the "Facility"), within the meaning of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6.

4. The Facility is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9), and its respective regulations, 40 C.F.R. § 302.3.

5. On or about April 28, 2011, EPA conducted an inspection of the Facility to determine the Facility's compliance with Section 103 of CERCLA, 42 U.S.C. § 9603.

6. Sometime between 6:00 p.m. on July 8, 2009 and 6:45 a.m. on July 9, 2009, an estimated thirty-five pounds of chlorine, Chemical Abstracts Service ("CAS") No. 7782-50-5, were released from the Facility (the "Release").

7. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), as implemented by 40 C.F.R. Part 302, requires, in relevant part, any person in charge of a facility, as soon as he/she has knowledge of a release (other than a federally permitted release) of a hazardous substance from such facility in a quantity equal to, or greater than, the reportable quantity ("RQ"), to immediately notify the National Response Center ("NRC") established under Section 311(d)(2)(E) of the Clean Water Act, as amended, 33 U.S.C. § 1321(d)(2)(E), of such release.

8. Section 102(a) of CERCLA, 42 U.S.C. § 9602(a), requires the Administrator of EPA to publish a list of substances designated as hazardous substances which, when released into the environment, may present a substantial danger to public health or welfare or to the environment, and to promulgate regulations establishing that quantity of any hazardous substance, the release of which shall be required to be reported under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a). The list of hazardous substances is codified at 40 C.F.R. § 302.4.

9. Chlorine is a hazardous substance, as defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and 40 C.F.R. § 302.3, with an RQ of ten pounds, as listed in 40 C.F.R. § 302.4.

10. The Release constitutes a release of a hazardous substance in a quantity equal to or exceeding the RQ for that hazardous substance, requiring immediate notification of the NRC pursuant to Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

11. The Release was not a "federally permitted release" as that term is used in Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and 40 C.F.R. § 302.6, and defined in Section 101(10) of CERCLA, 42 U.S.C. § 9601(10).

12. Respondent knew or should have known that the Release of chlorine from the Facility was in a quantity equal to or exceeding its RQ, at or about 1:00 a.m. on July 10, 2009.

13. Respondent did not notify the NRC of the Release until approximately 10:09 a.m. on July 10, 2009.

EPA'S CONCLUSIONS OF LAW

14. Respondent failed to immediately notify the NRC of the Release as soon as Respondent knew or should have known that a release of a hazardous substance had occurred at the Facility in an amount equal to or exceeding its applicable RQ, as required by Section 103 of CERCLA, 42 U.S.C. § 9603, and 40 C.F.R. § 302.6.

15. Respondent's failure to immediately notify the NRC as soon as the Respondent knew or should have known of the Release from the Facility in an amount equal to or in excess of its applicable RQ, is a violation of Section 103 of CERCLA, 42 U.S.C. § 9603. Therefore, Respondent is subject to the assessment of penalties under Section 109 of CERCLA, 42 U.S.C. § 9609.

CIVIL PENALTY

16. In full and final settlement and resolution of all allegations referenced in the foregoing Findings of Fact and Conclusions of Law, and in full satisfaction of all civil penalty claims pursuant thereto, for the purpose of this proceeding, the Respondent consents to the assessment of a civil penalty for the violation of Section 103 of CERCLA, 42 U.S.C. § 9603, set forth above, in the amount of **\$7,088**.

PAYMENT TERMS

17. In order to avoid the assessment of late payment penalties in connection with the civil penalty described in this CAFO, Respondent must pay the civil penalty no later than thirty (30) calendar days after the effective date of the Final Order (the "final due date").

18. Payment shall be made as follows:

a. If payment is to be made by cashier's check, penalty shall be made payable to "EPA-Hazardous Substances Superfund" and sent to:

U.S. EPA, Region III
ATTN: Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000
Contact: Richard Rice, (513) 487-2057

If the cashier's check is sent via overnight mail, it should be sent to:

U.S. Environmental Protection Agency
ATTENTION: Superfund Payments
U.S. Bank
1005 Convention Plaza
Mail Station FL-MO-C2GL
St. Louis, MO 63101
Contact: Richard Rice, (513) 487-2057

b. Payment may be made via EFT (wire transfer) to:

Federal Reserve Bank of New York
ABA = 021030004
Account = 68010727
SWIFT address = FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message should read "D 68010727
Environmental Protection Agency"

c. Payment may be made via Automated Clearinghouse (ACH), also known as Remittance Express (REX), to:

US Treasury REX/Cashlink
ACH Receiver
ABA = 051036706
Account No.: 310006, EPA
CTX Format Transaction
Code 22- Checking

Physical location of U.S. Treasury facility:
5700 Rivertech Court
Riverdale, MD 20737
Contact: Jesse White (301) 887-6548 or
REX, 1-(866) 234-5681

d. On-Line Payment Option:

www.pay.gov/paygov

Enter sfo 1.1 in the search field. Open and complete the form.

19. The Respondent shall submit copies of the checks, or verification of wire transfer or ACH, to the following persons:

Lydia Guy (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

and

Alexandra Whittaker (3RC42)
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103-2029

20. The costs of the Agency's administrative handling of overdue debts will be charged and assessed monthly throughout the period the debt is overdue in accordance with 40 C.F.R. § 13.11(b). Pursuant to EPA's *Resources Management Directives - Cash Management*, Chapter 9, EPA will assess a \$15.00 administrative handling charge for administrative costs on unpaid penalties for the first thirty (30) day period after the final due date and an additional \$15.00 for each subsequent thirty (30) day period the penalty remains unpaid.

21. A penalty charge of six (6) percent per year will be assessed monthly on any portion of the civil penalty which remains delinquent more than ninety (90) days in accordance with 40 C.F.R. § 13.11(c). Should assessment of the penalty charge on the debt be required, it shall accrue from the first day payment is delinquent, in accordance with 31 C.F.R. § 901.9(d).

22. Failure by the Respondent to pay the penalty assessed by the Final Order in full by the final due date may subject Respondent to a civil action to collect the assessed penalty, pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609. In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

General Provisions

23. For the purpose of this proceeding, Respondent admits to the jurisdictional allegations set forth above.

24. For the purpose of this proceeding, Respondent agrees not to contest EPA's jurisdiction with respect to the execution and enforcement of the CAFO.

25. For the purpose of this proceeding, with the exception of paragraph 23 above, Respondent neither admits nor denies the factual allegations set forth in this CAFO, but expressly waives its rights to contest said allegations.

26. For the purpose of this proceeding, Respondent expressly waives its right to a hearing and to appeal the Final Order under Section 109 of CERCLA, 42 U.S.C. § 9609.

27. The provisions of the CAFO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

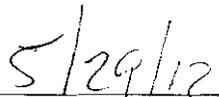
28. The CAFO does not constitute a waiver, suspension or modification of the requirements of Section 103 of CERCLA, 42 U.S.C. § 9603, or any regulations promulgated thereunder.

29. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to CERCLA for the violation alleged herein. Nothing herein shall be construed to limit the authority of the Complainant to undertake action against any person, including the Respondent in response to any condition which Complainant determines may present an imminent and substantial endangerment to the public health, public welfare or the environment. Nothing in this CAFO shall be construed to limit the United States' authority to pursue criminal sanctions.

30. Each party to this action shall bear its own costs and attorney's fees.

FOR WESTERN VIRGINIA WATER AUTHORITY


NAME: Gary L. Robertson
TITLE: Executive Director for Water Operations


DATE

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY



Ronald Borsellino
Director, Hazardous Site Cleanup Division

4/3/12

DATE

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

In the Matter of:

Western Virginia Water Authority
601 South Jefferson Street
Roanoke, Virginia 24011,

Respondent.

Western Virginia Water Authority
3031 Laurel Glenn Road
Vinton, Virginia 24179,

Facility.

FINAL ORDER

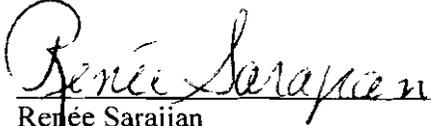
Proceedings Pursuant to Sections 103 and 109 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. §§ 9603 and 9609

Docket No.: CERCLA-03-2012-0162

Pursuant to Section 109 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), as amended, and in accordance with 40 C.F.R. Part 22, and based on the representations in the Consent Agreement, having determined that the penalty agreed to in the Consent Agreement is based on a consideration of the factors set forth in Section 109 of CERCLA, 42 U.S.C. § 9609, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is ordered to comply with the terms of the referenced Consent Agreement.

Effective Date

This Final Order shall become effective upon the date of its filing with the Regional Hearing Clerk.


Renée Sarajian
Regional Judicial Officer
EPA, Region III

0/19/12
DATE

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

In the Matter of:

Western Virginia Water Authority
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Respondent.

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3031 Laurel Glenn Road
Vinton, Virginia 24179,

Facility.

CONSENT AGREEMENT

Proceedings Pursuant to Sections 103 and
109 of the Comprehensive Environmental
Response, Compensation, and Liability Act,
as amended, 42 U.S.C. §§ 9601 and 9609

Docket No.: CERCLA-03-20162

REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

2012 JUN 26 PM 2:44

RECEIVED

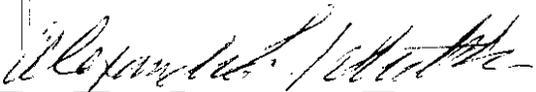
CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the foregoing Consent Agreement and Final Order ("CAFO") in the above-captioned matter have been filed with the EPA Region III Regional Hearing Clerk and that copies of the CAFO were sent via UPS to:

Glenn Feldman Darby Goodlatte
Attention: Harwell M. Darby, Jr.
37 Campbell Avenue, S.W.
Roanoke, Virginia 24011

I further certify that I have sent a copy of the CAFO by electronic pdf to Respondent's Counsel, Harwell M. Darby, Jr., on this day.

4/26/12
Date



Alexandra L. Whittaker
U.S. Environmental Protection
Agency, Region III